

JOSEPH P. RUSSONIELLO (CABN 44332)
United States Attorney

BRIAN J. STRETCH (CABN 163973)
Chief, Criminal Division

EUMI L. CHOI (WVBN 722)
Assistant United States Attorney

150 Almaden Boulevard
San Jose, California 95113
Telephone: (408) 535-5079
Facsimile: (408) 535-5066
Email: Eumi.Choi@usdoj.gov

Attorneys for the United States of America

E-FILED - 2/26/08

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

UNITED STATES OF AMERICA,)	No. CR 07-00106 RMW
)	
Plaintiff,)	STIPULATION AND
)	ORDER FOR CONTINUANCE OF
v.)	STATUS HEARING UNTIL MARCH 10,
)	2008, AND FOR ORDER EXCLUDING
ALONSO RODRIGUEZ CASTELLANOS,)	TIME FROM JANUARY 28, 2008 TO
and FRANCISCO TORRES-FELIX,)	MARCH 10, 2008 FROM THE SPEEDY
)	TRIAL ACT CALCULATION (18 U.S.C. §
)	3161(h)(8)(A),(B))
)	
Defendants.)	

On January 28, 2008, the parties appeared for a hearing before the Court for a status hearing. At that time, based upon the request of the parties, the Court set the matter for a status hearing on February 25, 2008 to allow for counsel's receipt of certain cell phone records which had been subpoenaed under Rule 17 of the Federal Rules of Criminal Procedure. The parties stipulated to an exclusion of time under the Speedy Trial Act to allow counsel for defendants reasonable time for effective preparation. This matter has recently been reassigned to the below-signed AUSA, and the parties have agreed to a continuance of the February 25, 2008 hearing until March 10, 2008, if that is agreeable to the Court. The reason for the request is to allow

1 counsel for defendants and the Government reasonable time for effective preparation.

2 The United States hereby submits this written request for an order finding that said time
3 is excluded under the Speedy Trial Act, 18 U.S.C. § 3161, in that the ends of justice are served
4 by taking such action and outweigh the best interests of the public and defendant in a speedy
5 trial. 18 U.S.C. § 3161(h)(8)(A). The failure to grant such a continuance would unreasonably
6 deny counsel for defendants and the Government the reasonable time necessary for effective
7 preparation, taking into account the exercise of due diligence. 18 U.S.C. § 3161(h)(8)(B)(iv).

8
9 DATED: February 20, 2008

JOSEPH P. RUSSONIELLO
United States Attorney

10
11 _____/s/_____
EUMI L. CHOI
12 Assistant United States Attorney

13
14 _____/s/_____
BRUCE FUNK
15 Counsel for Defendant Rodriguez Castellanos

16 _____/s/_____
H. ERNESTO CASTILLO
17 Counsel for Defendant Torres-Felix
18
19
20
21
22
23
24
25
26
27
28

ORDER

Based upon the stipulation of the parties, and for good cause shown, the Court HEREBY ORDERS that the February 25, 2008 hearing be continued until March 10, 2008, and that the time between the last status hearing of January 28, 2008 and the next one now set for March 10, 2008 is excluded under the Speedy Trial Act, 18 U.S.C. § 3161. The Court finds that the ends of justice are served by taking such action and outweigh the best interests of the public and defendant in a speedy trial. 18 U.S.C. § 3161(h)(8)(A). The failure to grant such a continuance would unreasonably deny counsel for defendant the reasonable time necessary for effective preparation, taking into account the exercise of due diligence. The Court therefore concludes that this exclusion of time should be made under 18 U.S.C. § 3161(h)(8)(A) and (B)(iv).

IT IS SO ORDERED.

DATED: 2/26/08

Ronald M. Whyte

RONALD M. WHYTE
UNITED STATES DISTRICT JUDGE